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 SUTTER HOME WINERY, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Sutter Home Winery, Inc.,

Plaintiff,

vs.

AH Wines, Inc., Vaz Brothers, Inc., TM  
 Wines LLC, Riondo USA LLC and Bevcon  
 Group Incorporated and Wine Source  
 Selections LLC

Defendants.

CASE NO. C 12-00763 EMC

**[PROPOSED AMENDED] ORDER TO  
 SHOW CAUSE**

Upon the annexed Temporary Restraining Order, Motion for Temporary Restraining Order and Supporting Memorandum of Points and Authorities of the Plaintiff, Sutter Home Winery, Inc., and upon the annexed declarations of Beverly Beutel, Erik Lawrence and J. Scott Gerien, let the defendants, AH Wines, Inc., Vaz Brothers, Inc., TM Wines LLC, Riondo USA LLC, Bevcon Group Incorporated and Wine Source Selections LLC (collectively "Defendants") show cause before this Court at the San Francisco Federal Building and Courthouse, Courtroom 450, 5, 17th Floor, 455 Golden Gate Ave., San Francisco, CA 94102, on 3/2/12, at 1:30 p.m. of that day, or as soon

[PROPOSED AMENDED] ORDER TO SHOW  
 CAUSE

1 thereafter as counsel can be heard, why an order should not be entered enjoining and restraining  
2 Defendants and their distributors from producing, selling, offering for sale, advertising or  
3 shipping any wine using the mark HOMAGE A TROIS pending a final decision on the claims in  
4 this matter, and further requiring Defendants to provide the Court and Plaintiff with a complete  
5 list of all parties to whom Defendants have sold or shipped the HOMAGE A TROIS wine and  
6 further requiring Defendants to provide all such parties to whom Defendants have sold or shipped  
7 the HOMAGE A TROIS wine with written notice, acceptable to the Court, of the entry of this  
8 preliminary injunction against Defendants restraining Defendants and their distributors from  
9 producing, selling, offering for sale, advertising or shipping any wine using the mark HOMAGE  
10 A TROIS and requesting that such parties to whom Defendants have sold or shipped the  
11 HOMAGE A TROIS return the HOMAGE A TROIS wine to Defendants for a full refund.  
12 Defendants shall also promptly notify the Court and Plaintiff of all responses it receives to the  
13 letter requesting the return of the remaining HOMAGE A TROIS wine to Defendants for a full  
14 refund. Defendants' opposing brief shall be filed by 4:00 p.m. on 2/28/12.

15  
16  
17 Ordered that pending the hearing and determination of this application or the expiration of  
18 14 days from the date hereof, whichever shall occur first, the Defendants and  
19 their distributors be and are hereby restrained from producing, selling, offering for sale,  
20 advertising or shipping any wine using the mark HOMAGE A TROIS and that Defendants shall  
21 provide written notification within three (3) days of this Order, in a form acceptable to the Court,  
22 to all parties to whom it has sold or shipped the HOMAGE A TROIS wine of the entry of this  
23 Temporary Restraining Order against Defendants restraining Defendants from producing, selling,  
24 offering for sale, advertising or shipping any wine using the mark HOMAGE A TROIS and  
25 requesting that such parties similarly cease all advertising and sale of the HOMAGE A TROIS  
26 wine. Defendants shall also provide evidence of such written notifications to the Court and  
27 Plaintiff within six (6) days of the entry of this Order. It is further ordered that service of a copy  
28 [PROPOSED AMENDED] ORDER TO SHOW 2 Case No. C12-00763 EMC  
CAUSE

1 of this Order to Show Cause and the documents annexed to it shall be made upon the Defendants  
2 on or before 2/23/12, by 6:00 p.m.

3  
4  
5 Dated: 2/23/12

By: 

United States District Court Judge

DICKENSON PEATMAN & FOGARTY